

BARRY J. PORTMAN
Federal Public Defender
VARELL L. FULLER
Assistant Federal Public Defender
160 West Santa Clara Street, Suite 575
San Jose, CA 95113
Telephone: (408) 291-7753
Counsel for Defendant CORTEZ-RODRIGUEZ

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR-10-00732-JF
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER CONTINUING HEARING DATE
vs.)	AND EXCLUDING TIME UNDER THE
)	SPEEDY TRIAL ACT
MARIO CORTEZ-RODRIGUEZ,)	
)	
Defendant.)	
)	

STIPULATION

Defendant Mario Cortez-Rodriguez, by and through Assistant Federal Public Defender Varell L. Fuller, and the United States, by and through Special Assistant United States Attorney Bradley D. Price, hereby stipulate that, with the Court's approval, the court date currently scheduled for Thursday, December 9, 2010, shall be continued to Thursday, January 20, 2011, 2010, at 9:00 a.m.

The purpose of the continuance is to grant defense counsel additional time to complete a review of Mr. Rodriguez-Cortez's California Sixth Appellate District Court proceedings in *People v. Mario Rodriguez-Cortez*, which involve his appeal of a conviction relevant to his subsequent removal and the outcome of these proceedings. Further, defense counsel's review of

1 the transcripts, pleadings, and decision, in Mr. Rodriguez-Cortez's Removal Proceedings is on-
2 going, and counsel for Mr. Rodriguez-Cortez respectfully request additional time to consult with
3 an Immigration Expert about those proceedings.

4 The parties agree that the time between December 9, 2010, and January 20, 2011 is
5 excludable under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), for effective
6 preparation by defense counsel.

7 IT IS SO STIPULATED.

8 Dated: December 8, 2010

9 _____/s/_____
10 VARELL L. FULLER
Assistant Federal Public Defender

11 Dated: December 8, 2010

12 _____/s/_____
13 BRADLEY D. PRICE
Special Assistant United States Attorney

14
15 **[PROPOSED] ORDER**

16 GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY
17 ORDERED that the hearing currently set for December 9, 2010, shall be continued to Thursday,
18 January 20, 2011, at 9:00 a.m.

19 THE COURT FINDS that failing to exclude the time between December 9, 2010, and
20 January 20, 2011, would unreasonably deny defense counsel reasonable time necessary for
21 effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. §
22 3161(h)(7)(B)(iv).

23 THE COURT FURTHER FINDS that the ends of justice served by excluding the time
24 between December 9, 2010, and January 20, 2011, from computation under the Speedy Trial Act
25 outweigh the interests of the public and the defendant in a speedy trial.
26

1 THEREFORE, IT IS HEREBY ORDERED that the time between December 9, 2010, and
2 January 20, 2011, shall be excluded from computation under the Speedy Trial Act, 18 U.S.C. §
3 3161(h)(7)(A) and (B)(iv).

4 IT IS SO ORDERED.

5 Dated: 12/8/10


6 THE HONORABLE JEREMY FOGEL
7 United States District Court Judge
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26